

HOUSE BILL No. 1127

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-24; IC 9-29-9-2.

Synopsis: Ban on use of cell phones while driving. Makes it a Class C infraction for the holder of a: (1) learner's permit; or (2) probationary driver's license; to operate a motor vehicle and use a mobile telephone simultaneously, except in an emergency situation.

Effective: July 1, 2008.

Crouch, Welch

January 8, 2008, read first time and referred to Committee on Public Policy.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1127

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-49.7 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2008]: **Sec. 49.7. "Emergency situation", for purposes of**
- 4 **IC 9-24-7-4 and IC 9-24-11-3, means an immediate threat to the**
- 5 **safety or security of a person or property.**
- 6 SECTION 2. IC 9-13-2-103.3 IS ADDED TO THE INDIANA
- 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2008]: **Sec. 103.3. "Mobile telephone" means**
- 9 **a device used by subscribers of a wireless telephone service to**
- 10 **access the service.**
- 11 SECTION 3. IC 9-13-2-199.1 IS ADDED TO THE INDIANA
- 12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 13 [EFFECTIVE JULY 1, 2008]: **Sec. 199.1. "Wireless telephone**
- 14 **service", for purposes of IC 9-13-2-103.3, means two-way real time**
- 15 **voice telecommunications service that is interconnected to a public**
- 16 **switched telephone network and is provided by a commercial**
- 17 **mobile radio service (as defined in IC 36-8-16.5-5).**

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SECTION 4. IC 9-24-7-4, AS AMENDED BY P.L.156-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. **(a)** A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.

(2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, stepparent, or relative of the holder who is at least twenty-one (21) years of age and holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(4) While:

(A) the holder is enrolled in an approved driver education course;

(B) the holder is participating in practice driving after having commenced an approved driver education course; and

(C) the seat beside the holder is occupied by a parent, stepparent, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(b) The holder of a learner's permit issued under this section may not simultaneously:

(1) operate a motor vehicle; and

(2) use a mobile telephone to place or receive:

(A) a call;

(B) a text or instant message; or

(C) any other communication, including electronic mail.

(c) Subsection (b) does not apply when the holder of a learner's permit uses a mobile telephone in an emergency situation to:

(1) transmit an emergency call (as defined in IC 35-45-2-3(c));

(2) contact a health care provider (as defined in IC 16-18-2-163);

(3) contact the state police department established under IC 10-11-2-4;

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(4) contact a police and law enforcement system established under IC 36-8-2-2; or

(5) contact a firefighting and fire prevention system established under IC 36-8-2-3.

SECTION 5. IC 9-24-11-3, AS AMENDED BY P.L.184-2007, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) A license issued to an individual less than eighteen (18) years of age is a probationary license.

(b) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's license issued under this article; is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) Except as provided in subsection (e), a probationary license issued under this section:

(1) expires at midnight of the twenty-first birthday of the holder; and

(2) may not be renewed.

(e) A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the

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United States expires.

(B) At midnight of the twenty-first birthday of the holder.

(f) The holder of a probationary license issued under this section may not simultaneously:

(1) operate a motor vehicle; and

(2) use a mobile telephone to place or receive:

(A) a call;

(B) a text or instant message; or

(C) any other communication, including electronic mail.

(g) Subsection (f) does not apply when the holder of a probationary license uses a mobile telephone in an emergency situation to:

(1) transmit an emergency call (as defined in IC 35-45-2-3(c));

(2) contact a health care provider (as defined in IC 16-18-2-163);

(3) contact the state police department established under IC 10-11-2-4;

(4) contact a police and law enforcement system established under IC 36-8-2-2; or

(5) contact a firefighting and fire prevention system established under IC 36-8-2-3.

SECTION 6. IC 9-29-9-2, AS AMENDED BY P.L.156-2006, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is:

(1) less than seventy-five (75) years of age is nine dollars (\$9); and

(2) at least seventy-five (75) years of age is six dollars (\$6).

(b) After June 30, 2006, The fee for a probationary license issued under ~~IC 9-24-11-3(d)~~ IC 9-24-11-3 is six dollars (\$6).

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